

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

VICKIE LYNN COURTWRIGHT,

Plaintiff,

v.

CIVIL ACTION NO. 1:11CV92

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

REPORT AND RECOMMENDATION/OPINION

On June 7, 2011, Plaintiff, *pro se*, filed a Complaint in this matter [Docket Entry 1]. On August 16, 2011, Defendant Commissioner of Social Security filed his Answer to the Complaint and a copy of the transcript of the Administrative Record in this matter [Docket Entries 10 and 11]. Plaintiff's brief in support of her claim was due on or before September 15, 2011. Plaintiff did not timely file her brief. On October 17, 2011, the undersigned United States Magistrate Judge entered an order directing Plaintiff to file and serve her motion and brief in support of her claims on or before November 18, 2011 [Docket Entry 13]. Plaintiff was advised in the order that failure to file a brief in support of her claims by that date would result in the undersigned entering a Report and Recommendation recommending to the District Judge that this case be dismissed for failure to prosecute in accord with the rules. A review of the docket shows that the order was received at Plaintiff's address on October 19, 2011.

Upon review of the docket as of November 28, 2011, the undersigned finds Plaintiff has not filed a brief or motion in support of her claim.

**RECOMMENDATION**

For the above reasons, the undersigned respectfully **RECOMMENDS** that the Plaintiff's Complaint [Docket Entry 1] be **DISMISSED WITH PREJUDICE** for failure to prosecute and for

failure to comply with the Court's order of October 17, 2011.

Any party may, within fourteen (14) days after being served with a copy of this Report and Recommendation, file with the Clerk of the Court written objections identifying the portions of the Report and Recommendation to which objection is made and the basis for such objection. A copy of such objections should also be submitted to the Honorable Irene M. Keeley, United States District Judge. Failure to timely file objections to the Report and Recommendation set forth above will result in waiver of the right to appeal from a judgment of this Court based upon such Report and Recommendation. 28 U.S.C. § 636(b)(1); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984), cert. denied, 467 U.S. 1208 (1984); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985); Thomas v. Arn, 474 U.S. 140 (1985).

The Clerk of the Court is directed to send a copy of this Report and Recommendation to Plaintiff, *pro se*, by certified mail, return receipt requested, and to counsel of record.

DATED: November 29, 2011

*John S. Kaul*

JOHN S. KAULL  
UNITED STATES MAGISTRATE JUDGE